CCRB INVESTIGATIVE RECOMMENDATION

Investigator:		Team:	CCRB Case #:		Force	$\overline{\mathbf{V}}$	Discourt.	U.S.
Harold Rodriguez		Squad #3	201502702	Ø	Abuse		O.L.	☐ Injury
Incident Date(s)		Location of Incident:	ı	P	recinct:	18	Mo. SOL	EO SOL
Wednesday, 04/08/2015 3:10 PM		§ 87(2)(g)			68	10	0/8/2016	10/8/2016
Date/Time CV Reported		CV Reported At:	How CV Reported:	•	Date/Time	Rece	eived at CCI	RB
Fri, 04/10/2015 1:02 AM		CCRB	On-line website		Fri, 04/10/	2015	1:02 AM	
Complainant/Victim	Type	Home Addre	ess					
Witness(es)		Home Addre	SS					
Subject Officer(s)	Shield	TaxID	Command					
1. POM Kenneth Flores	30050	929435	068 PCT					
2. POM Mohammad Kifaieh	16048	950678	068 PCT					
Witness Officer(s)	Shield N	o Tax No	Cmd Name					
1. POM Michael Roder	25253	935610	068 PCT					
2. POM Jesse Cotton	01178	938276	068 PCT					
Officer(s)	Allegatio	on			Inve	stiga	tor Recon	nmendation
A.POM Mohammad Kifaieh	Abuse: P § 87(2)(b)	O Mohammad Kifaieh e	entered and searched	l				
B.POM Kenneth Flores	Abuse: P § 87(2)(b)	O Kenneth Flores entere	ed and searched					
C.POM Kenneth Flores	Discourte § 87(2)(b)	esy: PO Kenneth Flores an	spoke rudely to d ^{§ 87(2)(b)}					

Case Summary

On April 8, 2015, at approximately 3:00 p.m., PO Kenneth Flores and PO Mohammad Kifaieh arrived at \$87(2)(b) . They were in search of \$87(2)(b) who was wanted for a slashing and was reported to be in the location by a tenant named \$87(2)(b) e. Upon arrival, PO Flores and PO Kifaieh searched the building's basement (Allegation A and B). As they spoke to the \$87(2)(b) \$87(2)(b) and her husband \$87(2)(b) PO Flores cursed at both of them (Allegation B).
 Mediation, Civil and Criminal Conviction Histories and \$87(2)(b) both accepted mediation. The case was returned to the undersigned investigator when PO Flores rejected mediation. As of the writing of this report, \$87(2)(b) and \$87(2)(b) have not filed a notice of claim with the City of New York. \$87(2)(b)][\$886(1)(3)8(4)][\$87(2)(c)]
• This is the second complaint filed by \$87(2)(0) • PO Flores has been a member of service for 13 years and has no substantiated allegations against him. • PO Kifaieh has been a member of service for 4 years and has no substantiated allegations against him.
Findings and Recommendations Explanation of Subject Officer Identification PO Flores and PO Kifaieh both acknowledged their interaction with \$87(2)(b) and \$27(2)(b)
Allegation A –Abuse of Authority: PO Mohammad Kifaieh entered and searched Allegation B – Abuse of Authority: PO Kenneth Flores entered and searched S87(2)(b) alleged that officers arrived at \$87(2)(b) looking
for her daughter \$87(2)(b) The call was made by \$87(2)(b) who is a tenant of the building and has had ongoing disputes with \$87(2)(b) as a sasulted by \$87(2)(b) as a sasulted by \$87(2)(b) and called the police that day, filing a report. On April 8, 2015, \$87(2)(b) are called the police to state that \$87(2)(b) are was in the building's basement. PO Flores and PO Kifaieh responded to the location and told \$87(2)(b) allowed them to search the basement because she is the super of the building. Although \$87(2)(b) allowed them to search the basement, she also argued that they needed a warrant regardless of there being a 911 call, therefore revoking the consent she initially gave. She let the officers search both sides of the basement and the officers did not open any doors or compartments.

Page 2

CCRB Case # 201502702

in the building at §87(2)(b) and she was wanted for a slashing. PO Flores and PO
Kifaieh arrived at the location and were greeted by §87(2)(b) who stated that she called
the stationhouse to report § 87(2)(b) and stated she was in the basement. PO Flores spoke
with \$87(2)(b) and told her who they were looking for. She stated that \$87(2) was her
daughter and she had no problem letting them search the whole building. §87(2)(b)
allowed the officers to search the basement and opened a locked door in the basement that
appeared to be fully furnished. PO Michael Roder and PO Jesse Cotton also arrived to help with
the search. Nobody was found in the basement and the officers left.
Warrantless entries into homes are presumptively unreasonable. However, police may
enter a dwelling to make a warrantless arrest inside of a person's home if exigent circumstances
exist. The following six factors are considered when determining whether exigent circumstances
exist: "(1) the gravity or violent nature of the offense with which the suspect is to be charged; (2)
whether the suspect is reasonably believed to be armed; (3) a clear showing of probable cause
to believe that the suspect has committed the crime; (4) strong reason to believe that the suspect is
in the premises being entered; (5) a likelihood that the suspect will escape if not swiftly
apprehended; and (6) the peaceful circumstances of the entry." People v. McBride, 14 N.Y.3d 440
(2010) (BR 01).
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Allegation C – Discourtesy: PO Kenneth Flores spoke rudely to 887(2)(5)
and § 87(2)(b)
During the officers' interaction with \$87(2)(6) she stated that her husband,
also came out to speak with the officers. During their conversation with the
officers, \$87(2)(b) stated that the officers needed a warrant. She alleged that PO
Flores replied, "We don't need a warrant. Open the fucking door." [\$87(2)(6)] stated
that he spoke to PO Flores when \$87(2)(b) walked away and stated, "Where the
fuck did she go?"
PO Flores, PO Kifaieh, PO Roder and PO Cotton all consistently stated that \$87(2)(6)
and §87(2)(b) were not cursed at. PO Flores stated during his interview and noted
in his memo book (BR 04) that \$87(2)(b) and \$87(2)(b) were extremely hostile
and verbally abusive towards the officers but they did not respond to them.

Page 3

CCRB Case # 201502702

§ 87(2)(g)		
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Squad:		
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nvestigator:		
Signature	Print	Date
Supervisor:		
Title/Signature	Print	Date
Attorney:		
Title/Signature	Print	Date